

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Patricia Freeman, *on behalf of herself and
all others similarly situated,*

Plaintiff,

v.

Ally Financial, Inc. d/b/a Ally Financial,
Resolvion, LLC and 11th Hour Recovery,
Inc.,

Defendants.

Case No. 0:20-cv-01241-WMW-HB

**JOINT STIPULATION FOR
DEFENDANT 11TH HOUR
RECOVERY, INC. TO JOIN ALLY
FINANCIAL INC.'S MOTION TO
DISMISS PLAINTIFF'S AMENDED
COMPLAINT, AND RESOLVION,
LLC'S MOTION TO DISMISS
AND/OR STRIKE PLAINTIFF'S
AMENDED COMPLAINT**

Plaintiff Patricia Freeman ("Plaintiff") and Defendants, Ally Financial Inc. d/b/a Ally Financial ("Ally Financial"), Resolvion, LLC ("Resolvion"), and 11th Hour Recovery, Inc. ("11th Hour"), through their undersigned counsel, hereby stipulate and agree as follows:

1. This action was commenced against Ally Financial, Resolvion and 11th Hour on May 22, 2020 (Doc. #1).
2. On August 7, 2020, Plaintiff filed an Amended Complaint (Doc #31).
3. On August 21, 2020, Ally Financial Inc. filed a Motion to Dismiss Plaintiff's Amended Complaint (Doc. #35-40).
4. On August 21, 2020, Resolvion, LLC filed a Motion to Dismiss and/or Strike Plaintiff's Amended Complaint (Doc. #41-45).
5. Plaintiff agreed to additional time for 11th Hour to respond to the Amended Complaint, and the timing of the Joinder as stipulated hereto is consistent with such agreement between Plaintiff and 11th Hour.

6. In order to avoid duplicative briefing and in the interest of efficiency, the Parties hereby agree and stipulate that Defendant 11th Hour may join Ally and Resolvion's pending Motions to Dismiss, which have been noticed to be argued before the Honorable Wilhelmina M. Wright on October 9, 2020.

7. The Parties further stipulate that 11th Hour may file its Joinder to the pending Motions to Dismiss on or before September 25, 2020, the deadline for Ally and Resolvion's Reply briefs in support of their Motions to Dismiss.

8. The Parties further stipulate that all of the arguments set forth in Ally and Resolvion's Motions to Dismiss, including but not limited to their Memoranda in Support of their Motion (Doc. #37 and #43), and any Reply briefs to be filed, apply equally to Defendant 11th Hour. It is 11th Hour's position that for the reasons set forth in Ally and Resolvion's Motions, 11th Hour is likewise entitled to an Order dismissing and/or striking Plaintiff's class and subclass claims as asserted against 11th Hour, including striking all FDCPA-related class allegations.

9. The Parties further stipulate that all of the arguments set forth in Plaintiff's opposition to Defendants' Motions to Dismiss, including but not limited to her Memoranda in Opposition Defendants' Motions (Doc. #51 and #53) apply equally to Defendant 11th Hour. It is Plaintiff's position that for the reasons set forth in her opposing Memoranda, 11th Hour's motion must likewise be denied in its entirety.

Dated: September 22, 2020

Gordon Rees Scully Mansukhani LLP

/s/ Suzanne L. Jones

Suzanne L. Jones, MN Bar No. 389345
sljones@grsm.com
Gordon Rees Scully Mansukhani LLP
100 S. 5th Street
Suite 1900
Minneapolis, MN 55402
Ph: 612-351-5969

*Attorneys for Defendants,
11th Hour Recovery, Inc. and
Resolution, LLC*

Dated: September 22, 2020

Reed Smith, LLP

/s/ Justin J. Kontul

Perry A. Napolitano (admitted *pro hac vice*)
pnapolitano@reedsmith.com
Justin J. Kontul (admitted *pro hac vice*)
jkontul@reedsmith.com
Reed Smith, LLP
225 Fifth Ave., Suite 1200
Pittsburgh, PA 15222
Ph: 412-288-3131

*Attorneys for Defendant,
Ally Financial, Inc. d/b/a Ally Financial*

Dated: September 22, 2020

Tarshish Cody, PLC

/s/ Adam R. Strauss

Adam R. Strauss, MN Bar No. 0390942

ars@attorneysinmn.com

Benjamin W. Tarshish

btarshish@attorneysinmn.com

Tarshish Cody, PLC

6337 Penn Avenue S.

Minneapolis, MN 55423

Ph: 952-361-5556

Attorneys for Plaintiff,

Patricia Freeman